

CHAPTER VII

DEEDS

Purpose of deed.—A deed is a writing in proper and efficient words conveying absolutely title to or an interest in realty. It is the instrument by which the transfer of title is effected. Every contract of sale or for exchange, and the terms of sale in an auction sale provide for the final consummation of the transaction by delivery of a deed. Anciently ownership of land was transferred symbolically by delivery in the presence of witnesses, by the seller to the purchaser of a clod of earth from the land. For many years and at the present time the transfer is accomplished by delivery of a deed and surrender of possession.

Form of deed.—There are various forms of deeds according to their purpose and objects, and differences will be found in those of the several States. However the simple form of deed by which title is passed is substantially the same in all States. In New York it is the form known as the "bargain and sale deed," and its phraseology is prescribed by statute as follows:

THIS INDENTURE, made the day of nineteen hundred and ,
between , part of the first part
and , part of the second part,
WITNESSETH, that the part of the first part, in consideration of
 Dollars, lawful money of the United States,
paid by the part of the second part, do hereby grant and release unto the
part of the second part, and assigns forever,
ALL
together with the appurtenances and all the estate and rights of the part of
the first part in and to said premises,
TO HAVE AND TO HOLD the premises herein granted unto the part of
the second part, and assigns forever
AND the said covenant that he ha not
done or suffered anything whereby the said premises have been incumbered in
any way whatever
IN WITNESS WHEREOF, the part of the first part ha hereunto set
hand and seal the day and year first above written.
In presence of

(ACKNOWLEDGMENT)